IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

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**WRIT PETITION NO : 19734 of 2004**

Between:

Katari Tatabbai, S/o Naganna,
R/o Jaddangi (V), Rajavommangi (M),
East Godavari District.

**..... PETITIONER**

AND

1 The Joint Collector, E.G. District at Kakinada.
2 The Revenue Divisional Officer/ Asst. Collector, Rampachodavaram, E.G. District.
3 The Mandal Revenue Officer, Rajavommangi (M), E.G. District.
4 The Special Deputy Collector, Tribal Welfare, Rampachodavaram, E.G. District.
5 G. Kasulu, S/o Pedabhai,
R/o Jaddangi (V), Rajavomangi (M), E.G. District.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the proceedings initiated by the 4th respondent under the Provisions of A.P. Scheduled Areas Land Transfer Regulations before the 4th respondent in L.T.R.P. No. 75/2004 as illegal, arbitrary and without jurisdiction and consequently direct the 4th respondent not to proceed further in L.T.R.P. No. 75 of 2004 in the interest of justice.

**Counsel for the Petitioner:MR.K.VENKATESH**

**Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE**
**Counsel for the Respondent No.5:---**

**The Court at the stage of admission made the following ORDER:**

The petitioner filed this writ petition questioning the proceedings initiated under the provisions of A.P. Scheduled Areas Land Transfer Regulations (for short "the Regulations") in L.T.R.P.No.75 of 2004 on the file of the Special Deputy Collector, Tribal Welfare, Rampachodavaram, East Godavari District, as illegal and arbitrary contending that earlier, proceedings under the Land Encroachment Act were initiated for his due eviction and they are pending and therefore, initiation of proceedings under the Regulations is not justified.

It is not in dispute that the lands are situated within the schedule area and the Regulations will apply. Since the petitioner had already submitted his objections to the notice issued under the Regulations, the respondents are directed to follow the due procedure by providing an opportunity to the petitioner to substantiate his plea before the authorities and after passing necessary orders, communicate the same to the petitioner. If any adverse orders are passed against the petitioner, the same shall not be implemented until the statutory period of appeal is expired from the date of receipt of the said order.

In view of the same, there are no grounds to entertain the writ petition.

The writ petition is accordingly disposed of. No costs.

28th OCTOBER, 2004.

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To

1 The Joint Collector, E.G. District at Kakinada.
2 The Revenue Divisional Officer/ Asst. Collector, Rampachodavaram, E.G. District.
3 The Mandal Revenue Officer, Rajavommangi (M), E.G. District.
4 The Special Deputy Collector, Tribal Welfare, Rampachodavaram, E.G. District.
5 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT)

6 Two CD copies.